

NICK WALISER

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<p>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, BUTTE DIVISION</p> <hr/> <p>KEVIN BRIGGS, Plaintiff, vs. Case No. 18-0010-BU-BMM-JCL GALLATIN COUNTY AND JOHN DOES 1-8, AS INDIVIDUALS AND IN THEIR OFFICIAL CAPACITY AS DETENTION OFFICERS, Defendants.</p> <hr/> <p>DEPOSITION UPON ORAL EXAMINATION OF NICK WALISER</p> <hr/> <p>BE IT REMEMBERED, that the deposition upon oral examination of NICK WALISER, appearing at the instance of Plaintiff, was taken at the Holiday Inn Express and Suites, 2305 Catron Street, Bozeman, Montana 59718 on the 23rd day of September 2019, beginning at the hour of 1:00 p.m. pursuant to the Federal Rules of Civil Procedure, before Marla Jeske, Court Reporter - Notary Public, CSR.</p>	<p>1 INDEX</p> <p>2 EXAMINATION OF NICK WALISER BY PAGE</p> <p>3 Mr. Daniel V. Biddulph, Esq.....4</p> <p>4 Mr. Alex Stacey, Esq.....45</p> <p>5 EXHIBITS REFERRED TO:</p> <p>6 Exhibit 6.....33-36, 45-46</p> <p>7 Exhibit 7.....36</p> <p>8 Exhibit 8.....37-38</p> <p>9 DEPOSITION EXHIBITS:</p> <p>10 Exhibit 26 Gallatin County Detention Center</p> <p>11 Incident Report/Rule Infraction,</p> <p>12 Dated 2/23/25.....13</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES</p> <p>2</p> <p>3 ATTORNEY APPEARING ON BEHALF OF THE</p> <p>4 PLAINTIFF, KEVIN BRIGGS:</p> <p>5 Mr. Daniel V. Biddulph, Esq.</p> <p>6 Ferguson Law Office, PLLC</p> <p>7 P.O. Box 8359</p> <p>8 Missoula, Montana 59807</p> <p>9 (406) 532-2664</p> <p>10 dan@fergusonlawmt.com</p> <p>11</p> <p>12 ATTORNEYS APPEARING ON BEHALF OF THE</p> <p>13 DEFENDANTS, GALLATIN COUNTY AND JOHN DOES</p> <p>14 1-8, AS INDIVIDUALS AND IN THEIR OFFICIAL</p> <p>15 CAPACITY AS DETENTION OFFICERS:</p> <p>16 Mr. Alex Stacey, Esq.</p> <p>17 Stacey, Funyak & Kautz</p> <p>18 P.O. Box 1139</p> <p>19 Billings, Montana 59103</p> <p>20 (406) 259-4545</p> <p>21 astacey@staceyunyak.com</p> <p>22</p> <p>23 Mr. Sean Bowen, Esq.</p> <p>24 Civil Deputy County Attorney</p> <p>25 Gallatin County Attorney's Office</p> <p>1709 W. College, Suite 200</p> <p>Bozeman, Montana 59715</p> <p>(406) 582-3745</p> <p>sean.bowen@gallatin.mt.gov</p>	<p>1 WHEREUPON, the following proceedings were had</p> <p>2 and testimony taken, to-wit:</p> <p>3</p> <p>4 * * * * *</p> <p>5</p> <p>6 NICK WALISER,</p> <p>7 called as a witness herein, having been first duly</p> <p>8 sworn, was examined and testified as follows:</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. BIDDULPH:</p> <p>12 Q. Officer Waliser, if that's your name,</p> <p>13 excuse me.</p> <p>14 A. Yes.</p> <p>15 Q. First of all, can I get you to state and</p> <p>16 spell your name for the record?</p> <p>17 A. Sure. It's Nick, N-I-C-K, Waliser,</p> <p>18 W-A-L-I-S-E-R.</p> <p>19 Q. Thanks.</p> <p>20 And may I call you Nick?</p> <p>21 A. Yeah, that's fine.</p> <p>22 Q. Thank you.</p> <p>23 First of all, have you ever been deposed</p> <p>24 before?</p> <p>25 A. No.</p>

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Exhibit F

NICK WALISER

<p style="text-align: right;">Page 5</p> <p>1 Q. Have you ever provided court testimony 2 before?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So what I'm going to do is just 5 go over a few rules or ground rules of a deposition 6 here.</p> <p>7 Since we're on the record, one thing I 8 do ask is if we can both try and speak clearly, try 9 not to talk over each other and make sure we wait 10 for each other to get an answer and a question out. 11 So I'll try to wait for your answer before I ask my 12 next question and vice versa.</p> <p>13 So of course, since we're trying to get 14 a verbatim record here, if we can try and speak 15 clearly. But also, if there's a question that you 16 don't understand, please ask for clarification. 17 I'm going to assume that if I ask a question and 18 you don't ask for clarification, you're going to 19 understand the questions that I've asked, okay?</p> <p>20 Also, if you need to take a break at any 21 point in time, please feel free to do so, for 22 whatever reason, if it's a rest room or whatever. 23 But I do ask if there's a question on the table, 24 just answer the question before we take a break, so 25 not try to be an endurance test or anything like</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Or with anyone else?</p> <p>2 A. No.</p> <p>3 Q. Have you spoken about this case with 4 anyone else?</p> <p>5 A. No.</p> <p>6 Q. If I could just get a little bit of 7 background for you, just your prior work and 8 education where you're currently employed and what 9 capacity?</p> <p>10 A. A detention officer with the Gallatin 11 County Detention Center.</p> <p>12 Q. And how long have you been employed 13 there?</p> <p>14 A. Since January 3rd, 2011.</p> <p>15 Q. And prior to that, what was your work 16 experience?</p> <p>17 A. I worked as a detention officer in 18 another state.</p> <p>19 Q. Where was that at?</p> <p>20 A. North Dakota.</p> <p>21 Q. And how long did you do that?</p> <p>22 A. I did that three years.</p> <p>23 Q. Okay. And then as far as education 24 goes, what's your highest level of education? 25 A. I've got a bachelor's in criminal</p>
<p style="text-align: right;">Page 6</p> <p>1 that. So if you need to take a step out, that's 2 fine.</p> <p>3 Do you have any questions for me before 4 we start?</p> <p>5 A. No, I don't.</p> <p>6 Q. Okay. So for this deposition today, 7 what did you do to prepare?</p> <p>8 A. Everything I believe that our 9 representatives have e-mailed us in the past, I've 10 read over it and looked over my disciplinary 11 reports.</p> <p>12 Q. Okay.</p> <p>13 A. Tried to just refresh my memory and 14 everything.</p> <p>15 Q. So those are documents to review.</p> <p>16 Besides your disciplinary reports, what 17 did you review?</p> <p>18 A. I believe just the paperwork that 19 Mr. Briggs filed, his allegations, and I read my 20 reports and I believe I had read over I think the 21 majority of his reports that were in his computer 22 file.</p> <p>23 Q. Okay. And besides your attorneys, have 24 you spoken with this deposition about anyone else? 25 A. No.</p>	<p style="text-align: right;">Page 8</p> <p>1 justice studies and sociology.</p> <p>2 Q. And where did you obtain that degree?</p> <p>3 A. University of North Dakota.</p> <p>4 Q. Are you from North Dakota originally?</p> <p>5 A. Yes, I am.</p> <p>6 Q. Oh, great.</p> <p>7 So if we can just kind of get into this, 8 it sounds like, you know, you're familiar I 9 represent Mr. Kevin Briggs in this matter against 10 Gallatin County.</p> <p>11 As far as Mr. Briggs goes, it might seem 12 like a silly question but, when did you first 13 become aware of him?</p> <p>14 A. When he came into our facility. I 15 believe shortly before he came to the detention 16 center, I caught the news about him leaving the 17 interview room.</p> <p>18 Q. Did you have any interactions with him 19 prior to coming into detention?</p> <p>20 A. No, no.</p> <p>21 Q. When you caught the news about him, did 22 you discuss that with anybody?</p> <p>23 A. No.</p> <p>24 Q. Did you discuss it with any other 25 officers or detention center staff?</p>

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<p style="text-align: right;">Page 9</p> <p>1 A. No. I mean, at that point with my job 2 I -- you know, he wasn't an inmate yet. So it's 3 like there wasn't really much to talk about. I 4 mean, you know, I -- I mean, I try to keep up on 5 the news but I don't sit there and speculate, you 6 know, who's coming to our jail and, you know. So I 7 mean, once they come into our jail then it's my 8 responsibility to, you know, take care of them, do 9 my job.</p> <p>10 Q. And now you're working for the Gallatin 11 County Sheriff. When he escaped, were you involved 12 in any sort of search when he did escape?</p> <p>13 A. No, I wasn't.</p> <p>14 Q. Prior to him coming to the Gallatin 15 County Detention, were there any meetings that took 16 place when they knew that he was going to be 17 returned?</p> <p>18 A. No, not that I -- not that I know.</p> <p>19 Q. No, no discussions about him being 20 placed?</p> <p>21 A. If there was, I wasn't involved in any 22 discussions.</p> <p>23 Q. As far as your role, what was, I guess, 24 your rank or level or roles and responsibilities 25 when Mr. Briggs arrived?</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. So when I say "disciplinary team," I 2 understand as individuals who would after, say, an 3 incident report had been completed by a detention 4 officer, would actually, say, meet with an inmate 5 and determine if there would be any sort of, say, 6 consequences as a result of that infraction?</p> <p>7 A. We do have members of the detention 8 center that are -- either they volunteer or they 9 get assigned to a disciplinary team. I've never 10 sat on that panel or board of people who read. 11 Once the reports are written and they get reviewed, 12 I've never had any part of that.</p> <p>13 Q. Okay. Do you deal with any sort of, 14 say, appeals that take place from a disciplinary 15 action?</p> <p>16 A. No. I believe that any appeals go to 17 the jail lieutenant and/or the jail administrator.</p> <p>18 Q. Okay. So I'm going to go back to about 19 February of 2015 when Mr. Briggs was written up for 20 an incident I believe between him and an inmate. I 21 want to say Mr. Steele. Are you familiar with what 22 I'm referring to?</p> <p>23 A. Yes, I am.</p> <p>24 Q. Okay. And how are you familiar with 25 that?</p>
<p style="text-align: right;">Page 10</p> <p>1 A. I believe at that time I was a corporal. 2 I'm not exactly sure. I'd have to look back on my 3 promotion date, but I believe I was a corporal at 4 that time.</p> <p>5 Q. And what did you do in the facility, the 6 detention facility?</p> <p>7 A. I was a shift supervisor for detention 8 officers.</p> <p>9 Q. And so as a shift supervisor, what were 10 your general roles, duties, responsibilities?</p> <p>11 A. Make sure the officers are doing their 12 jobs and following policy procedure.</p> <p>13 Q. Okay. Did you have any one-on-one 14 contact with inmates as a shift supervisor?</p> <p>15 A. Yes. I mean, it was a little bit more 16 removed. The officers were the ones who had the 17 direct contact and I only had, you know, more 18 contact with -- if there was an issue that came up.</p> <p>19 Q. So then as far as disciplinary actions 20 goes, were you any part of the disciplinary team?</p> <p>21 A. I've never been on the disciplinary 22 team.</p> <p>23 Q. Okay. And when I say "disciplinary 24 team," do you understand what I'm talking about?</p> <p>25 A. Go ahead and clarify.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. I was the shift supervisor that shift 2 and Officer Beausoleil, who was working west 3 housing, told me that Kevin Briggs wanted to talk 4 to me about issues he was having or an incidence. 5 So when I was over on west housing, he told me 6 through the -- I believe the intercom from his cell 7 to the officer station that he had an incident with 8 Steele on three separate occasions where they had 9 issues. And so I wrote that down and then I 10 believe it was after that time I went to central 11 control and reviewed video footage of those dates 12 and times.</p> <p>13 Q. And so Mr. Briggs brought that to your 14 attention?</p> <p>15 A. Correct.</p> <p>16 Q. Was there anything that elicited or 17 brought that information from Mr. Briggs or did he 18 just volunteer that on his own?</p> <p>19 A. He volunteered that on his own I believe 20 because we -- you know, he saw me up at the sub 21 west station and intercommed in and told me about 22 those three dates and that's the best I can recall 23 on that.</p> <p>24 Q. Okay. So if I can, I want to refer to 25 an incident report I believe that you've authored.</p>

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<p style="text-align: right;">Page 13</p> <p>1 I think we'll enter it as an exhibit. I'm going to 2 give you a copy of it. 3 Would you like one? 4 MR. BOWEN: Sure. 5 BY MR. BIDDULPH: 6 Q. If you can read through that document, 7 can you identify that? Are you familiar with that? 8 A. That's my report. 9 Q. That's your report that you wrote? 10 A. Uh-huh. 11 Q. So if we can enter this. I believe 12 we're up to Exhibit, by my count, 26. 13 (Whereupon, Deposition 14 Exhibit Number 26 was 15 marked for identification.) 16 BY MR. BIDDULPH: 17 Q. So on this incident report there's just 18 a few things that I more or less want some 19 clarification on. 20 At the top it says incident date and 21 time February 23rd, 2015, but your narrative starts 22 on February 21, 2015. Is there any reason for the 23 discrepancy in those dates? 24 A. From up here to -- 25 Q. Correct.</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. 2 A. It was during that day or two. 3 Q. So then you wrote up Inmate Steele. How 4 did you become aware that Inmate Steele had 5 assaulted Inmate Mr. Briggs? 6 A. From Mr. Briggs telling me about the 7 incidents on the day and time for the video. 8 Q. That Mr. Briggs volunteered to you? 9 A. Just that all that stuff had happened 10 prior to me becoming involved with it. 11 Q. Did you notice any injuries on 12 Mr. Briggs prior to him giving you this 13 information? 14 A. No, I don't recall any injuries. Like I 15 said, with being a shift supervisor, I'm not 16 directly working in the pods pretty much as much as 17 an officer would be. You know, you're pretty much 18 removed, dealing with more administrative stuff in 19 the -- you know, the -- I'm going to say like not 20 in the pods but, you know, more removed from the 21 pods so I could be dealing with something in the 22 front lobby that day or something, so. 23 Q. Do you recall if any other -- any other 24 detention staff noticed any injuries on Mr. Briggs 25 prior to him volunteering this information to you?</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Um, I think this is -- this is when I 2 received that info. And I believe -- I think I 3 just wrote Tommy Steele up for the first day for 4 fighting and then I -- you know, I watched the 5 video a few more times I think the next day and 6 then I started kind of thinking about that's why 7 like -- that I came back with Mr. Briggs, you know, 8 what I felt was kind of instigating these 9 altercations. So that's why I believe I just put 10 the date and time that maybe I wrote it. 11 If you look on -- I usually will -- at 12 the end of my report will put the time that I 13 finished it. So yeah, I believe I may have started 14 it at like 9:16 and ended at 10:47, I'm guessing. 15 Q. All right. 16 A. I always try to put the time that 17 I -- you know, when I -- because, yeah, it might be 18 different than like the incident time. 19 Q. Sure. Yeah, and just clarifying. 20 And so you said you wrote up Mr. Steele. 21 Was that for assaulting Mr. Briggs, that you wrote 22 him up for or was it -- 23 A. I believe so. Yeah, because I think 24 Tommy Steele was the first one who got moved and I 25 think Briggs was left in I believe it was DPOD.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. I do not. I think there was one officer 2 that noticed that Briggs had a bruise or a black 3 eye and he said something about it happened playing 4 basketball, if I remember hearing that correctly. 5 Q. Was that this time or could that have 6 been the April incident? 7 A. I think I'm referring to the April 8 incident. 9 Q. Okay. 10 A. I think, yeah. 11 Q. And I'm more -- because you did not 12 write up Mr. Briggs in that April incident, did 13 you. 14 A. No, no. No, with this incident would 15 have been February, no, I don't recall seeing any 16 injuries. 17 Q. Okay. So when Mr. Briggs volunteered 18 this information to you, then what steps did you 19 take to investigate this? 20 A. That was when I wrote it down. I went 21 to central control and accessed the video footage 22 that only the supervisors have access to and I 23 watched the three separate incidents. And I think 24 after that that's when I went and interviewed Tommy 25 Steele and I believe I got him quoted here with</p>

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<p style="text-align: right;">Page 17</p> <p>1 what he said and what he did and that's when I</p> <p>2 moved him from APOD for fighting.</p> <p>3 Q. And did you move Mr. Briggs into any</p> <p>4 sort of segregation or different pod at that point?</p> <p>5 A. I don't believe so. I believe he</p> <p>6 remained in Delta pod, was where this happened, my</p> <p>7 incident.</p> <p>8 Q. And so when you reviewed this video, I</p> <p>9 guess what -- you said you reviewed it but then you</p> <p>10 went back and reviewed it again a few times; am I</p> <p>11 correct there?</p> <p>12 A. I believe that's what I did with your</p> <p>13 earlier question about the difference in time, is I</p> <p>14 just went back and watched it again just to kind of</p> <p>15 make sure I, you know, made the right decision, you</p> <p>16 know, and just wanted to see if there was something</p> <p>17 I missed, so.</p> <p>18 Q. So then after writing up Mr. Steele, you</p> <p>19 then decided to write up Mr. Briggs. What was it</p> <p>20 that made you decide to write up Mr. Briggs as</p> <p>21 well?</p> <p>22 A. When I -- I believe it was the third</p> <p>23 video in the chronological days of where they</p> <p>24 were -- Tommy Steele was sitting to I think</p> <p>25 Mr. Briggs' left I believe and he turned towards</p>	<p style="text-align: right;">Page 19</p> <p>1 officer, myself in this case, you know, when you do</p> <p>2 your reports you step away from the process and you</p> <p>3 forward it to the disciplinary team for the review</p> <p>4 and I believe that's just what I did.</p> <p>5 Q. So let me find it here. I believe you</p> <p>6 note in here though that you did not see Mr. Briggs</p> <p>7 hit Mr. Steele in any way; would that be correct?</p> <p>8 A. Right. I did read that. And the reason</p> <p>9 I believe with the disciplinary charges we had at</p> <p>10 that time, it wasn't as elaborate as we have it now</p> <p>11 for like -- I believe now we have a disciplinary</p> <p>12 charge of instigating. We didn't have that back</p> <p>13 then. So since he was involved in a fight, you</p> <p>14 know, I charged him as that for the disciplinary</p> <p>15 team review. But now we since -- I believe pretty</p> <p>16 much stemming from this incident, now we added</p> <p>17 that because I pushed for that because it was just</p> <p>18 like, yes, he didn't actually assault Mr. Steele</p> <p>19 but he was involved in fighting. I believe that</p> <p>20 since he was throwing food at him that that was</p> <p>21 kind of -- in my viewpoint, it kind of</p> <p>22 instigated -- you know, he may have been involved</p> <p>23 with stuff with Steele.</p> <p>24 Q. Do you recall the two dates, the dates</p> <p>25 that Mr. Steele hit Mr. Briggs?</p>
<p style="text-align: right;">Page 18</p> <p>1 him and threw food at him. So that's kind of when</p> <p>2 I was like -- because at first I thought it was</p> <p>3 just -- you know, Mr. Steele was the aggressor in</p> <p>4 this whole matter and I just kind of felt like</p> <p>5 if -- you know, if Mr. Briggs was 100 percent the</p> <p>6 victim in this matter, why would he be throwing</p> <p>7 food at some guy that just, you know, assaulted him</p> <p>8 twice? You know, it just kind of looked -- it just</p> <p>9 didn't make sense that, you know, after reviewing</p> <p>10 that footage a few times, why would somebody -- you</p> <p>11 know, if they were getting picked on at school, why</p> <p>12 would they, you know, throw food at their bully?</p> <p>13 So that's when I came back and I talked to Briggs</p> <p>14 and I told him that I was going to move him to</p> <p>15 disciplinary as well pending review.</p> <p>16 Q. Did you talk to any other inmates that</p> <p>17 were in the pod besides Mr. Steele and Mr. Briggs?</p> <p>18 A. I don't recall.</p> <p>19 Q. Okay.</p> <p>20 A. If I did.</p> <p>21 Q. Outside of Mr. Briggs telling you what</p> <p>22 you recorded here or wrote down in paragraph one,</p> <p>23 did you have any other discussions with Mr. Briggs</p> <p>24 about what happened with Mr. Steele?</p> <p>25 A. I don't recall. Usually after an</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I believe it's in the report here. I</p> <p>2 think I noted it. Yeah, February 22nd, 2015 at</p> <p>3 10:03 a.m. And then -- no, that was -- scratch</p> <p>4 that. That was I believe where it was an e-mail</p> <p>5 from Tommy Steele I believe -- or a phone call that</p> <p>6 I believe Officer Beausoleil had got. It looks</p> <p>7 like February 8th, 6:45.</p> <p>8 Q. So February 8th would be the first one.</p> <p>9 Do you recall when the second one was or can you</p> <p>10 refer to your report?</p> <p>11 A. Well, the food throwing incident was</p> <p>12 February 20th. I have in the report written that</p> <p>13 Briggs stated Wednesday or Thursday of last week</p> <p>14 the 11th. So it would have been -- could have been</p> <p>15 the 8th, 11th and the 20th.</p> <p>16 Q. So then the 20th would have been</p> <p>17 throwing the food and then the 8th and the 11th</p> <p>18 would have been the days that Mr. Steele struck</p> <p>19 Mr. Briggs?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So -- and I guess here's my</p> <p>22 question, I don't want to make it too long and</p> <p>23 colluded -- or convoluted, excuse me. If the</p> <p>24 fight was on the 8th and the 11th, then why was</p> <p>25 there video reviewed that went all the way up</p>

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<p style="text-align: right;">Page 21</p> <p>1 through the 20th?</p> <p>2 A. Can you explain?</p> <p>3 Q. Well, sure. I mean, Mr. Briggs had</p> <p>4 informed you that some -- that he was hit on the</p> <p>5 8th and --</p> <p>6 A. Uh-huh.</p> <p>7 Q. -- and the 11th, that would be correct,</p> <p>8 right?</p> <p>9 A. Correct.</p> <p>10 Q. And so you went back through and</p> <p>11 reviewed video that week?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Would that be correct?</p> <p>14 A. Yeah. Of those two days, correct.</p> <p>15 Q. Right. So then why was there continued</p> <p>16 video review up through and including the 20th?</p> <p>17 A. I didn't come -- none of this came to my</p> <p>18 knowledge until the 21st of February. Does that</p> <p>19 answer?</p> <p>20 Q. Well, sort of, I mean.</p> <p>21 A. Prior to Briggs talking to me or with,</p> <p>22 you know, Beausoleil kind of passing this on to me,</p> <p>23 I had no idea that any of this stuff had happened.</p> <p>24 Q. Okay.</p> <p>25 A. Because watching the video is pretty</p>	<p style="text-align: right;">Page 23</p> <p>1 the food throwing, but.</p> <p>2 Q. Sorry, who told you?</p> <p>3 A. If Mr. Briggs.</p> <p>4 Q. Okay.</p> <p>5 A. You know. But I believe that's what I</p> <p>6 did, you know, I just kind of -- because we have</p> <p>7 the ability to fast forward, so it's not like I was</p> <p>8 just sitting in central control --</p> <p>9 Q. Sure.</p> <p>10 A. -- for hours on end. You know, I just</p> <p>11 kind of was keyed in on trying to watch -- you</p> <p>12 know, on watching Mr. Briggs and Mr. Steele in the</p> <p>13 pod and their interactions. And any time, you</p> <p>14 know, it looks like they were talking or getting</p> <p>15 close to each other, I would, you know, go back to</p> <p>16 normal speed, so. Because I was just trying to get</p> <p>17 a -- you know, trying to get the bigger picture of</p> <p>18 what lead up to all this.</p> <p>19 Q. And does that video have any audio on</p> <p>20 it?</p> <p>21 A. It does not.</p> <p>22 Q. Okay. And so then what was the basis</p> <p>23 for saying that Mr. Briggs instigated these two</p> <p>24 fights?</p> <p>25 A. When I was trying to explain to Judge</p>
<p style="text-align: right;">Page 22</p> <p>1 short -- short lived incidents and, you know, I</p> <p>2 mean the officers working over there that day could</p> <p>3 have been doing any number of things to where they</p> <p>4 didn't physically see it happen. So that's why all</p> <p>5 three of those incidents had happened prior to my</p> <p>6 knowledge and I came into the picture on February</p> <p>7 21st with...</p> <p>8 Q. Okay. So that's my question though, is</p> <p>9 did somebody -- I guess, did somebody complain</p> <p>10 about the food throwing incident?</p> <p>11 A. No. You know, I may have stumbled on</p> <p>12 that when I was watching video because I was, you</p> <p>13 know -- I believe I watched the whole day on those</p> <p>14 days that Mr. Briggs gave me the dates and time</p> <p>15 just to see if there was anything happening</p> <p>16 beforehand and, you know, during and after, you</p> <p>17 know. But I remember just -- you know, I saw the</p> <p>18 food throwing incident and, you know, so. But</p> <p>19 yeah, I didn't know anything about this until the</p> <p>20 21st.</p> <p>21 Q. Okay. So that's my question then. So</p> <p>22 you went back through and reviewed about what would</p> <p>23 be 12 days of video from that pod?</p> <p>24 A. Correct, in some fashion. I can't</p> <p>25 recall if he told me about the 21st, you know, with</p>	<p style="text-align: right;">Page 24</p> <p>1 Salvagni, just -- I've done this job long enough to</p> <p>2 kind of know, you know, when people kind of get</p> <p>3 that fighting posture, kind of -- it just kind of</p> <p>4 looked like he was kind of leading in towards, you</p> <p>5 know, Mr. Steele, kind of talking back at him. You</p> <p>6 can kind of know the difference between a casual</p> <p>7 conversation at least, you know, detention officers</p> <p>8 where we kind of see people kind of always -- a lot</p> <p>9 of people butt heads, a lot of personalities there</p> <p>10 and they don't always get along. So that's kind of</p> <p>11 what we're kind of trained to look for, is to see</p> <p>12 when -- we kind of catch people kind of having not</p> <p>13 good interactions and peaceful interactions and we</p> <p>14 can kind of just start to tell if something's about</p> <p>15 ready to happen or... And just watching the video,</p> <p>16 it just kind of looked like those two really didn't</p> <p>17 like each other very much.</p> <p>18 Q. Had there been any other incidences</p> <p>19 between these two?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. Had Mr. Briggs ever picked a fight with</p> <p>22 Mr. Steele before in the past?</p> <p>23 A. Not that I'm aware of, no.</p> <p>24 Q. Had Mr. Briggs ever picked a fight with</p> <p>25 another inmate in the past?</p>

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<p>1 A. I don't recall.</p> <p>2 Q. Had Mr. Steele ever got into any fights</p> <p>3 or altercations with other inmates in the past?</p> <p>4 A. I don't recall.</p> <p>5 Q. Was Mr. Steele ever a disciplinary</p> <p>6 issue?</p> <p>7 A. I believe he had been in disciplinary,</p> <p>8 but I don't recall. But yeah, Mr. Steele wasn't</p> <p>9 necessarily a model inmate where he -- you know, he</p> <p>10 was kind of I think had his issues where he didn't</p> <p>11 necessarily like a lot of people or like staff, you</p> <p>12 know. But, you know, we try to manage everybody</p> <p>13 the best we can.</p> <p>14 Q. Would Mr. Steele ever like pick on other</p> <p>15 inmates?</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay.</p> <p>18 A. I don't know.</p> <p>19 Q. I've heard a term thrown around though</p> <p>20 this, say, an inmate would be a predator on other</p> <p>21 inmates. Would you have considered Mr. Steele a</p> <p>22 predator?</p> <p>23 A. Not necessarily. You know, he</p> <p>24 just -- he struck me as the type of person who</p> <p>25 didn't have a lot of self-control. But, you know,</p>	<p>1 or excuse that Mr. Briggs was taunting him?</p> <p>2 A. I believe it was either during that</p> <p>3 initial conversation or I think I had talked to</p> <p>4 Mr. Steele maybe once or twice and that's when he</p> <p>5 said that Mr. Briggs was taunting him and kind of</p> <p>6 getting at him. And I had watched the videos and,</p> <p>7 you know, it kind of did look like Briggs may have</p> <p>8 been kind of --</p> <p>9 Q. Okay.</p> <p>10 A. -- kind of getting at him a little.</p> <p>11 Q. But just to be clear though, you didn't</p> <p>12 ask Mr. Briggs about taunting Mr. Steele?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay.</p> <p>15 A. If I put anything in there, I mean.</p> <p>16 Q. And you didn't talk to any other inmates</p> <p>17 about Mr. Briggs taunting Mr. Steele?</p> <p>18 A. Not that I recall, no.</p> <p>19 Q. At one point or another, and clear</p> <p>20 me up if I'm wrong, it looks like Officer</p> <p>21 Beausoleil -- is that how you pronounce the name?</p> <p>22 A. That's correct.</p> <p>23 Q. -- listened in on some phone calls of</p> <p>24 Mr. Steele. Was that Officer Beausoleil that</p> <p>25 listened in or was that you? I just want to be</p>
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<p>1 I think he -- I think he tried to manage himself.</p> <p>2 But I think he just kind of didn't have a lot of</p> <p>3 self-control over himself and so I think that's</p> <p>4 why, but.</p> <p>5 Q. So Mr. Steele I believe you quoted him</p> <p>6 in here as something about "That fucking rape-o has</p> <p>7 been taunting me!" And I guess let me back that up</p> <p>8 a bit.</p> <p>9 When you initially spoke with</p> <p>10 Mr. Steele, did he admit to striking Mr. Briggs?</p> <p>11 A. Inadvertently, I believe he kind</p> <p>12 of -- basically inadvertently, he told me he did</p> <p>13 because when I asked him the question he said, oh,</p> <p>14 you don't have video evidence of me hitting him,</p> <p>15 you know. And I was like -- I had watched all the</p> <p>16 video and I knew I had video evidence of him doing</p> <p>17 that.</p> <p>18 Q. Okay.</p> <p>19 A. So, yeah, that was kind of him admitting</p> <p>20 to it in a roundabout way that he -- you know. I</p> <p>21 don't know exactly the question, how I phrased it</p> <p>22 but, yeah, he told me that.</p> <p>23 Q. Right.</p> <p>24 And so I guess would it be fair to</p> <p>25 characterize that though is that was his response</p>	<p>1 clear.</p> <p>2 A. I believe that was Officer Beausoleil</p> <p>3 who listened in.</p> <p>4 Q. And are you familiar with I guess the</p> <p>5 contents of those phone calls?</p> <p>6 A. I believe I put it down in the report.</p> <p>7 Q. Okay. And how would you characterize</p> <p>8 Mr. Steele's phone calls?</p> <p>9 A. You know, Mr. Steele was -- could be</p> <p>10 bold at times and just unpredictable. I think to</p> <p>11 the best of my recollection, you know, Mr. Steele</p> <p>12 had, you know, a lot of -- he would have his</p> <p>13 threats on the phone or just as -- you know, as</p> <p>14 you're walking to the pod just, you know.</p> <p>15 Q. Well, he says in here -- and I'm just</p> <p>16 kind of quoting from the bottom of this page, I</p> <p>17 suppose a couple of these he says, "I've got the</p> <p>18 fucking tool right here in my hand. I can't even</p> <p>19 tell you what I've already come up with, I've</p> <p>20 already plotted and planned what to do after the</p> <p>21 2nd. And that's just a one day disaster for this</p> <p>22 place. They have no idea what kind of a</p> <p>23 motherfucker I can really be."</p> <p>24 A. Uh-huh.</p> <p>25 Q. Then it says in another instance, "If</p>

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<p style="text-align: right;">Page 29</p> <p>1 they come and take my canteen after they find me</p> <p>2 guilty on this, that's gonna be the hard part for</p> <p>3 me, not to retaliate in some way. I'm struggling</p> <p>4 not to be a monster. These guys don't have any</p> <p>5 idea what kind of shit I can do. Sons of Bitches,</p> <p>6 they're not gonna get away with it. These</p> <p>7 motherfuckers better pray to god I have a change of</p> <p>8 heart when I get the fuck free this time."</p> <p>9 So I mean as shift supervisor, did you</p> <p>10 take this as some sort of threat against staff or</p> <p>11 the facility or Mr. Briggs?</p> <p>12 A. I think in reading this he was referring</p> <p>13 all this -- these threats to detention staff.</p> <p>14 Q. Okay. So was he treated any different</p> <p>15 because he was threatening detention staff?</p> <p>16 A. Well, he was put on disciplinary. And</p> <p>17 I'm not sure what happened with his classification</p> <p>18 after that, if he was put on administrative</p> <p>19 segregation or...</p> <p>20 But yes, I mean we definitely kept a</p> <p>21 watchful eye on Mr. Steele.</p> <p>22 Q. And you characterized that he could be</p> <p>23 very volatile, is that -- I don't want to put words</p> <p>24 in your mouth but is that what you said?</p> <p>25 A. Right. Yeah, just that was one of the</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Okay.</p> <p>2 A. I don't know.</p> <p>3 Q. Would he have been allowed to review</p> <p>4 that videotape if he had requested to see it?</p> <p>5 A. I'm not sure if -- with the disciplinary</p> <p>6 process if that was part of the due process with</p> <p>7 that, if he could have. I'm not sure what the</p> <p>8 policy was on that back then.</p> <p>9 Q. And just to be clear, were you involved</p> <p>10 at all in the disciplinary process after writing</p> <p>11 your report?</p> <p>12 A. None.</p> <p>13 Q. Did you have any conversations with the</p> <p>14 disciplinary team after writing your report?</p> <p>15 A. No, I didn't.</p> <p>16 Q. Do you recall who was on the</p> <p>17 disciplinary team?</p> <p>18 A. I believe I gave an e-mail to Lieutenant</p> <p>19 Young who was on it. I don't recall though.</p> <p>20 Q. Okay.</p> <p>21 A. There was an e-mail that I gave him that</p> <p>22 was, you know, from the disciplinary team who it</p> <p>23 was. I believe it was Sergeant Lower and I know he</p> <p>24 was one of them and maybe officer Taylor I believe,</p> <p>25 Brian Taylor.</p>
<p style="text-align: right;">Page 30</p> <p>1 guys we just always kept a -- kept an eye on just</p> <p>2 because we were never sure. Like one day he would</p> <p>3 be calm and one day he would be like this.</p> <p>4 Q. And when this occurred in DPOD, is</p> <p>5 DPOD -- what classification is DPOD?</p> <p>6 A. Back then I don't recall. I think it</p> <p>7 was -- we've changed our classification a few</p> <p>8 times. I believe it was medium classification,</p> <p>9 best of my recollection back in 2015.</p> <p>10 Q. Prior to this incident, do you recall if</p> <p>11 Mr. Briggs ever requested to, say, be placed in a</p> <p>12 protective custody status?</p> <p>13 A. I don't recall. He may have.</p> <p>14 Q. Okay. But to you, did he ever make that</p> <p>15 statement?</p> <p>16 A. No, I'm not sure if he did. Yeah.</p> <p>17 Q. And when this occurred here, did</p> <p>18 Mr. Briggs ever request of you to view the</p> <p>19 videotape of the incident?</p> <p>20 A. I'm not sure if he can -- or if he did.</p> <p>21 So I'm not sure if we allowed that or not at that</p> <p>22 time or. I'm not sure.</p> <p>23 Q. That's why I just want to be clear, did</p> <p>24 he request or did he not request?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Are you sure about that or is that</p> <p>2 just --</p> <p>3 A. I'm not sure. I did see the e-mail</p> <p>4 though.</p> <p>5 Q. Okay.</p> <p>6 A. So I do know that I forwarded that on a</p> <p>7 few -- I think it was last year when some questions</p> <p>8 were asked. I remember Lieutenant Young came and</p> <p>9 asked me about why I, you know, gave Mr. Briggs 35</p> <p>10 days from the disciplinary team. That's when I</p> <p>11 first told him that I was never on the disciplinary</p> <p>12 team and I found the e-mail. Because I save all</p> <p>13 the disciplinary e-mails of -- you know, they'll</p> <p>14 say like such and such inmate got this many days</p> <p>15 for this reason.</p> <p>16 Q. So giving him so many days in Ad Seg,</p> <p>17 that was not your decision?</p> <p>18 A. No.</p> <p>19 Q. And you had not input on that decision?</p> <p>20 A. No, I actually found that too. That</p> <p>21 was actually Sergeant Fleeman who put him on Ad</p> <p>22 Seg, so. Per policy the decision puts him on Ad</p> <p>23 Seg as -- you know, the lieutenants responsibility</p> <p>24 or jail commander or the -- you know, the upper end</p> <p>25 administration, not middle management such as</p>

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